

### **REMARKS**

Claims 1-10, 21-30 and 52-59 remain pending in the present application. Claims 58 and 59 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 10, 21-24, 30 and 52-57 are rejected under 35 U.S.C. § 102(e) as being anticipated by Fattouche, newly recited reference. Applicant respectfully traverses this rejection.

Claims 1 and 21 define the step of determining, with a mobile station, search window limitations for one or more sectors due to cell coverage area and due to mobile station dynamics. The Examiner has defined "delay offset" as being mobile station dynamics. The delay offsets referred to by the Examiner are the possible offsets of a pilot signal sent from a base station. Time delays are caused by the distance traveled by the signal and this has nothing to do with the dynamics (speed, motion, change in position, etc.) of the mobile unit.

Thus, Applicant believes Claims 1 and 21, as amended, patentably distinguish over the art of record. Likewise, Claims 2-4, 10, 22-24 and 52-57, which depend from Claim 1 or Claim 21, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 5-7 and 25-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fattouche in view of Kim, et al. Claims 8, 9, 28 and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Fattouche in view of Leblanc, et al. Claims 5-9 and 25-29 ultimately depend from Claim 1 or Claim 21. As stated above, Claims 1 and 21 are believed to patentably distinguish over the art of record. Thus, Claims 5-9 and 25-29 are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

### **NEW CLAIMS**

New Claims 58 and 59 are dependent claims depending from Claims 1 and 21, respectively. Applicant believes Claims 58 and 59 read on the elected species/invention and that Claims 58 and 59 properly further limit Claim 1 and 21, respectively.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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